

APPLICATION FOR PERMISSION TO CHANGE POINT OF  
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 18 1997

Returned to applicant for correction

Corrected application filed

Map filed JUL 18 1997

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The applicant Butcher Boy Mines, Inc., hereby makes application for permission to change the point of diversion of water heretofore appropriated under Permit 57273

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1. The source of water is underground
2. The amount of water to be changed 2.0 cfs
3. The water to be used for mining, milling, and domestic
4. The water heretofore permitted for mining, milling, and domestic
5. The water is to be diverted at the following point within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, T.21N., R.23E., M.D.B.&M. or at a point from which the W $\frac{1}{4}$  corner of Section 24, T.21N., R.23E., M.D.B.&M. bears N 05° 53' E a distance of 2,958.0 feet.
6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 24, T.21N., R.23E., M.D.B.&M. or at a point from which the W $\frac{1}{4}$  corner of said Section 24 bears N 45° W a distance of 50.00 feet.
7. Proposed place of use unchanged
8. Existing place of use Section 26 and the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  of Section 27, T.21N., R.23E., M.D.B.&M.
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works well, pump, and pipeline to the mining operations
12. Estimated cost of works \$150,000
13. Estimated time required to construct works 6 months
14. Estimated time required to complete the application of water to beneficial use 1 year
15. Remarks: Applicant has filed a permanent change of point of diversion application and is filing this temporary application in order to be able to drill the well during the current construction season.

By Desert Mountain Surveying as agent  
By John H. Milton III, PLS, SWRS  
s/John H. Milton III  
146 West Second Street  
Winnemucca, NV 89445

Compared my/cms cl/cms

Protested

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APPROVAL  
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 57273 is issued subject to the terms and conditions imposed in said Permit 57273 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 57273 and 63256-T shall not exceed 100.0 acre-feet annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the groundwater basin.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on October 21, 1998, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second, but not to exceed 100.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Application of water to beneficial use shall be filed on or before:

Proof of the application of water to beneficial use shall be filed on or before:

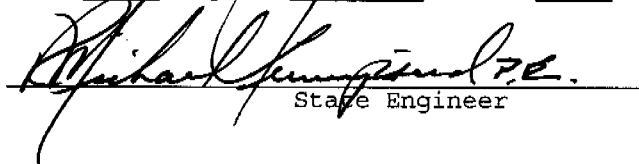
Map in support of proof of beneficial use shall be filed on or before:

TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office,

this 22nd day of October, A.D. 1997

  
State Engineer

OCT 21 1998